

Message Text

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PAGE 01 HAVANA 01444 281618Z
ACTION SCS-06

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EO 11652: N.A.
TAGS: CASC CARR SHUM CU (DE MONE, MICHAEL) (GATTO, EMIL)
SUBJECT: W/W TRIAL OF AMCITS MICHAEL DE MONE AND EMIL GATTO

REF: A) HAVANA 0287; B) HAVANA 0288

1. TRIAL OF AMCIT DEFENDANTS EMIL FRANK GATTO AND MICHAEL DE MONE
TOOK PLACE AT 3:00 PM, WT MAY 78 AT TRIBUNAL PROVINCIAL POPULAR
OF THE CITY OF HAVANA IN THE COURT OF OFFENSES AGAINST THE
SECURITY OF THE STATE. DRA. GRACIELA PRIETO PRESIDED OVER FIVE
JUDGE PANEL HEARING THE CAUSE. GATTO AND DE MONE WERE REPRESENTED
BY COUNSEL (DRA. JOSEFINA GALVAN NUNEZ) AND WERE ASSISTED BY
INTERPRETER (FEDERICO RODRIGUEZ OF MINREX). MINRES JUDICIAL
DIRECTORATE ATTORNEY AND USINT OFFICER OBSERVED TRIAL.

"2. CRIMINAL INFORMATION READ ALOUD BY CLERK OF COURT SUMMARIZED
OPERATIVE FACTS OF CASE AND CITED RELEVANT PROVISIONS OF CUBAN
SOCIAL DEFENSE CODE (128.4A, 461 C AND D, AND 23A-2B). WHEN ASKED
IF THEY WISHED TO MAKE ANY DECLARATION BOTH DEFENDANTS AGREED
WITH RECITATION OF FACTS BUT POINTED OUT ABSENCE OF INTENT TO
VIOLATE CUBAN AIRSPACE OR ENTER COUNTRY ILLEGALLY, NOTING THAT
WEATHER, UFR RATING OF DE MONE AND MALFUNCTIONING PORT ENGINE
FORCED AIRCRAFT DOWN AT FIRST SIGHTED LANDFALL. FOUR WITNESSES
WERE CALLED AND QUESTIONED BRIEFLY BY PROSECUTOR, COURT AND DEFENSE
COUNSEL: DE MONE, GATTO, CHIEF INVESTIGAROT (MINISTRY OF INTERIOR
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PAGE 02 HAVANA 01444 281618Z

OFFICER, MATANZAS PROVINCE) AND LABTECH WHO PERFORMED VERIFICATION
ANALYSIS OF MARIJUANA. QUESTIONING WAS DEVOTED TO ELICITING ORAL
TESTIMONY IN CORROBORATION OF FACTS STATED IN CRIMINAL INFORMATION,
AND IN PROBING DEFENDANTS' BACKGROUNDS, ECONOMIC AND MEDICAL
SITUATIONS, ASSOCIATIONS AND MOTIVES. DEFENDANTS STATED THAT THEIR
ACTIVITIES WERE DIRECTED, AND THAT THE AIRCRAFT WAS PROVIDED BY
INDIVIDUALS IN FLORIDA KNOWN TO THEM ONLY AS ED AND JOE.

NEITHER KNEW THE EXACT WEIGHT OF CONTRABAND CARGO, BUT GATTO VOLUNTEERED DURING TESTIMONY THAT PAYLOAD OF THE AIRCRAFT WAS 650 POUNDS. DEFENDANTS STATED THEY WERE TO RECEIVE 3,000 DOLLARS EACH FOR PICKUP AND DELIVERY, AND THAT THE ARRANGEMENT MADE WITH ED AND JOE WAS FOR ONE TRIP ONLY.

3. IN SUMMING UP, PROSECUTOR NOTED AGREEMENT OF ALL PARTIES THAT CODE PROVISIONS HAD BEEN VIOLATED BY DEFENDANTS, AND URGED GUILTY VERDICT ON BOTH COUNTS. PROSECUTOR REQUESTED MAXIMUM FOUR YEAR PRISON TERM ON EACH COUNT FOR BOTH DEFENDANTS, BUT RECOMMENDED CONCURRENT SERVING OF SENTENCES. HE ALSO REQUESTED THAT FINE OF 6,000 PESOS (APPROXIMATELY US DOLLARS 7,800) BE IMPOSED ON EACH DEFENDANT. DEFENSE COUNSEL,S FINAL ARGUMENT ACKNOWLEDGED VIOLATION OF LAW, BUT AGAIN EMPHASIZED THAT GATTO AND DE MONE DID NOT INTEND TO PENETRATE CUBAN TERRITORIAL LIMITS. SHE SUMMARIZED THE PERSONAL FINANCIAL AND MEDICAL PROBLEMS OF THE DEFENDANTS, AND ASKED THAT SENTENCES BE LIMITED TO PERIOD ALREADY SERVED BY GATTO AND DE MONE DURING PRETRIAL PERIOD.

4. DEFENDANTS WERE ASKED TO MAKE FINAL STATEMENTS. BOTH EXPRESSED APPRECIATION FOR TREATMENT WHILE INCARCERATED. DE MONE ASKED FOR INFORMATION ABOUT HIS FAMILY, COMPLAINING THAT HIS LETTERS HAVE NOT BEEN ANSWERED AND US CONSUL HAS NOT INFORMED HIM OF FAMILY'S SITUATION. PRESIDENT OF COURT INFORMED DE MONE THAT THIS MATTER WAS OUTSIDE THE PARAMETERS OF THE CAUSE OF ACTION AND BEYOND THE COMPETENCE OF THE COURT, AND RECOMMENDED THAT THE DESIRED INFORM-LIMITED OFFICIAL USE

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PAGE 03 HAVANA 01444 281618Z

ATION BE SOUGHT THROUGH REGULAR NONJUDICIAL CHANNELS.

5. VERDICT AND PENALTIES SHOULD BE ANNOUNCED IN A FEW DAYS. WHILE DEFENDANTS WERE NOT REQUIRED TO FORMALLY DECLARE THEIR GUILT OR INNOCENCE, IT IS CLEAR THAT THE COURT IS TREATING THE MATTER AS IF A PLEA OF GUILT WERE ENTERED. DEFENDANTS APPEARED TO BE IN GOOD HEALTH, ATTENTIVE, AND NERVOUS. DE MONE LIMPED, NOTICEABLY, TO AND FROM WITNESS STAND. BOTH WERE CLOTHED IN NONDESCRIPT DARK COLORED SHIRTS AND TROUSERS. THEY WERE ESCORTED TO AND FROM COURT BY UNIFORMED NCO AND PRIVATE SOLDIER CARRYING AUTOMATIC WEAPON. NO CUFFS OR OTHER PHYSICAL RESTRAINTS WERE USED. THERE WAS NO DISCUSSION BETWEEN DEFENDANTS AND USINT OBSERVER, WHO IDENTIFIED EARLY IN TRIAL WHEN PRESIDING JUDGE INFORMALLY ASKED OFF THE RECORD WHETHER THE UNITED STATES WISHED CLARIFICATION OF ANY PORTION OF THE CHARGES INVOLVED. GLASSMAN

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